

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 1205 of 1994

WITH

FIRST APPEAL NOS.1255/94 TO 1276/96

Hon'ble MR.JUSTICE Y.B.BHATT

and

Hon'ble MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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SPL.LAND ACQ.OFFICER

Versus

BHIKHABHAI NAROTTAMBHAI  
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Appearance:

Mr. P.G. Desai, G.P. for appellants in F.A.  
No.1255/94, 1205/95, 1256/94 to 1266/94.  
Ms. H.N. Devani, AGP for appellants in FA 1267/94  
to 1271/94.  
Mr. S.J. Dave, AGP, for appellants in FA No.1272/96  
to 1276/94.  
MR AJ PATEL for Respondents.

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CORAM : MR.JUSTICE Y.B.BHATT and

MR.JUSTICE C.K.BUCH

Date of decision: 16/02/98

COMMON ORAL JUDGEMENT(Per Y.B. Bhatt J.)

1. These are appeals filed by the State under

section 54 of the Land Acquisition Act, read with section 96, CPC. They are taken up for final hearing today on the joint request of learned counsel for the respective parties. The acquisition pertains to the Narmada Canal Project and in particular, the Luvara Branch Canal. Section 4 notification was issued on 21st November 1995 whereby the lands in village Pisad, Taluka Vagra, District Bharuch came to be acquired. The claimants had demanded compensation at the rate of Rs.1500/- per Are before the Land Acquisition Officer, whereas the latter had awarded only Rs.75/- per Are.

2. The Reference Court, in the common judgement and award, awarded compensation at the rate of Rs.450/- per Are.

3. The impugned judgement and awards, taken in its overall perspective, is, in our opinion, not assailable. We agree with the assessment of the evidence on the part of the Tribunal, the conclusions drawn therefrom and the findings of fact recorded.

4. We may, however, refer to a few salient points on the basis of which the said awards are required to be upheld. Firstly, the Reference Court relied upon Exh.10, which is an award passed in a cognate land reference case No.763/88, which admittedly was accepted by the State inasmuch as no appeal therefrom was preferred. Under the latter award, the Reference Court had awarded Rs.462/per Are. These facts firstly are not disputed, and secondly, the same have been referred to and relied upon in another decision of this court rendered in First Appeal Nos.219 to 241 of 1994 dated 8th February 1994. No doubt, the latter decision of the High Court under reference pertained to acquisition from the village Sachan. However, it is common ground that the village Sachan and the village Pisad with which we are concerned in the present group of appeals are contiguous to each other. Moreover, there is no significant difference in the dates of section 4 notification. In the former case the said notification was dated 3rd October 1985, whereas in the present group of appeals the relevant notification is dated 21st November 1985. The notification in respect of land reference case No.763/88 was dated 3rd October 1985 i.e. somewhat earlier than the one in the present group of appeals. It is for this reason that although the High Court in the aforesaid decision confirmed or at least approved of the decision in land reference case No.763/88 (Rs.462/- per Are), the corresponding figure awarded by the Reference Court in the present group of appeals at Rs.450/- per Area cannot in any manner be suggested to be

excessive. The same is, therefore, required to be confirmed.

5. Learned counsel for the appellant is unable to point out any other material distinction on the basis of which the impugned awards are required to be modified downwards.

6. No other contentions are raised.

7. Accordingly the common judgement and awards impugned in the present group of appeals are confirmed and these appeals are dismissed with no order as to costs.

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